

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

NORMA VIVIANA IBARRA-JARAMILLO, §
Individually and as Next Friend of J.D.I., A.D., §
and D.D., Minor Children §
Plaintiffs, §
§
Vs. § CIVIL ACTION NO. 2:15-CV-215J
§
DOUGLAS WILLIAM HUDSON, §
GAMESA WIND US, LLC; and §
GAMESA TECHNOLOGY CORPORATION, §
INC. §
§
Defendants. §

AGREED MOTION TO REMAND CASE TO STATE DISTRICT COURT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiffs, Norma Viviana Ibarra-Jaramillo, Individually and as Next Friend of J.D.I., A.D. and D.D., Minor Children, and Defendants, Douglas William Hudson, Gamesa Wind US, LLC; and Gamesa Technology Corporation, Inc. file this Agreed Motion to Remand Case to State District Court and would respectfully show the Court as follows:

I.

1. On July 2nd, 2015, a Notice of Removal was filed by Defendants Gamesa Wind US, LLC and Gamesa Technology Corporation, Inc., removing the case styled Norma Viviana Ibarra-Jaramillo, et al vs. Douglas William Hudson, et al, Cause No. 104,300-A, In the 47th District Court, in and for Potter County, Texas.

2. Douglas William Hudson (“Hudson”) is a former employee of Defendants Gamesa Wind US, LLC and Gamesa Technology Corporation, Inc. At the time this lawsuit was filed, it was believed that Hudson was a resident of Pennsylvania. However, Hudson was actually a resident of Texas. Hudson was never served prior to the removal by Defendants. Hudson has subsequently been served with process at his residence at 8480 Kara Creek Rd, Frisco, Texas 75034-4880.

3. Because Hudson is a citizen of Texas, diversity of citizenship jurisdiction does not exist and this case should be remanded to state court.

WHEREFORE, Plaintiffs Norma Viviana Ibarra-Jaramillo, Individually and as Next Friend of J.D.I., A.D. and D.D., Minor Children and Defendants Gamesa Wind US, LLC and Gamesa Technology Corporation, Inc. request that this Court remand this cause back to the 47th Judicial District Court of Potter County, Texas, with each party bearing their own attorney’s fees and costs.

Respectfully submitted,

Packard, Hood, Johnson & Bradley, LLP
301 S. Polk, Suite 375
Lobby Box 34
Amarillo, Texas 79101
(806) 374-3300
(806) 374-3381 - Fax
mark@packardlawfirm.com

By: s/ Mark L. Packard
Mark L. Packard
State Bar No. 15402550

Smith, Wilson Law Firm, P.C.
P.O. Box 212
Canyon, Texas 79015
(806) 372-4120
(806) 372-4501 – Facsimile
mark@smithwilsonlaw.com
State Bar No. 21704450

Attorneys For Plaintiff

Peterson, Farris, Byrd & Parker
A Professional Corporation
P.O. Box 9620
Amarillo, Texas 79105-9620
(806) 374-5317
(806) 372-2107
rhubbard@pf-lawfirm.com

By: s/ Rhett J. Hubbard
Rhett J. Hubbard
State Bar No. 24032315
Attorney for Defendants Gamesa Wind US, LLC
& Gamesa Technology Corporation, Inc.